

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ROYAL YATES, )  
Plaintiff(s), ) No. C05-1510 BZ  
v. ) **PRETRIAL ORDER**  
GUNNALLEN FINANCIAL and )  
CURTIS WILLIAMS, )  
Defendant(s). )

The pretrial conference in this case was held on August 15, 2006. Plaintiff was represented at the conference by Laurence F. Padway, Esq. Defendant GunnAllen Financial ("GunnAllen") was represented by Robert Sullwold, Esq.

This Order shall control the subsequent conduct of the case and be modified only to prevent manifest injustice. See Fed. R. Civ. P. 16(e).

1. MOTION FOR LEAVE TO FILE MOTION FOR RECONSIDERATION.

After considering the parties' arguments, for the reasons stated at the pretrial conference, GunnAllen's motion for leave to file a motion for reconsideration of the court's

1 order denying its Rule 50 and Rule 59 motions is **DENIED**.  
2 GunnAllen has failed to establish any of the three bases for  
3 reconsideration listed in Civil Local Rule 7-9(b). The  
4 jointly-requested instructions the court gave were model Ninth  
5 Circuit instructions. Even if they did not correctly state  
6 California law, they were not manifestly unjust. The cases  
7 which GunnAllen cites for the proposition that to be deemed to  
8 have invited error, it must have knowingly and intentionally  
9 relinquished its rights, are distinguishable because they are  
10 criminal cases involving liberty interests.

11 **2. LENGTH AND TIME OF TRIAL**

12 Trial shall begin on **Monday, August 28, 2006, at 8:30**  
13 **a.m.** in Courtroom G, 15th Floor, Federal Building, 450 Golden  
14 Gate Avenue, San Francisco, California 94102. The trial  
15 schedule is as follows: **8:30 a.m. - 1:30 p.m.**

16 Plaintiff shall be prepared to call witnesses **Monday,**  
17 **August 28, 2006.** Each side shall schedule witnesses to avoid  
18 any interruption in the presentation of testimony.

19 **3. JURY INSTRUCTIONS**

20 Rulings on the instructions were made on the record at  
21 the pretrial conference. The parties shall submit revised or  
22 additional instructions as discussed during the conference. A  
23 chambers copy of all jury instructions shall be submitted on a  
24 diskette formatted in WordPerfect 6, 8, 9 or 10 or may be  
25 e-mailed to the following address: bzpo@cand.uscourts.gov

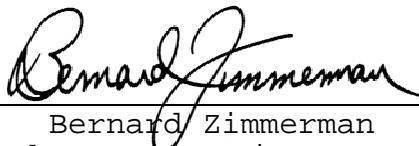
26 **4. MISCELLANEOUS**

27 The parties must lodge the transcripts of any depositions  
28 they anticipate using at trial by the start of trial.

1 Any party who desires a transcript of the trial must make  
2 arrangements with the court reporter. Any party who needs an  
3 interpreter or audio or visual equipment shall make its own  
4 arrangements for same and clear all such equipment with court  
5 security personnel.

6 The parties are instructed to notify the court  
7 immediately if this action should settle before the  
8 commencement of trial.

9 Dated: August 16, 2006

  
10 \_\_\_\_\_  
11 Bernard Zimmerman  
12 United States Magistrate Judge

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